

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 03-00307-01-CR-W-SOW
)	
DAVID R. HILL,)	
)	
Defendant.)	

ORDER

Before the Court is United States Magistrate Judge Sarah W. Hays's Report and Recommendation regarding the government's Request to Revisit Issue of Defendant's Competency (Doc. # 42) and defendant's First Motion in Limine Concerning Mental Competency Hearing (Doc. # 44). Defendant does not object to any portion of Judge Hays's Report and Recommendation (Doc. # 56). Accordingly, it is hereby

ORDERED that defendant's First Motion in Limine Concerning Mental Competency Hearing (Doc. # 44) is granted in part and denied in part. Those portions of the Forensic Evaluation that reference the monitored telephone calls are excluded from the evidence considered in determining defendant's competency. The remainder of the Forensic Evaluation is deemed properly admitted into evidence. It is further

ORDERED that the government's Request to Revisit Issue of Defendant's Competency (Doc. # 42) is granted. The Court finds that defendant is not currently suffering from a mental disease or

defect that would render him unable to understand the nature and consequences of the charges against him or to assist properly in his defense.

_____/s/ Scott O. Wright_____
SCOTT O. WRIGHT
Senior United States District Judge

Dated: ____5/19/2005_____